

## REMARKS

### I. Status of the Application

Claim 1 is pending in this application. In the February 25, 2005 Office action, the examiner rejected claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,112,049 to Sonnenfeld (hereinafter "Sonnenfeld").

In this response, applicants have amended claim 1 and added new claims 2-20. Applicants respectfully request reconsideration of pending claim 1 and new claims 2-20, in view of the foregoing amendments and the following remarks.

### II. The Rejection of Claim 1 Should Be Withdrawn

In the February 25, 2005 Office action, the examiner rejected claim 1 as being anticipated by Sonnenfeld under 35 U.S.C. § 102(b). Applicant traverses the examiner's rejection of claim 1. In addition, the applicant has amended claim 1 to further overcome the examiner's rejection of claim 1. Accordingly, the applicant respectfully requests the examiner to withdraw the rejection of claim 1.

#### A. Applicant's System

Applicant's claim 1 is directed toward a test administration system having a central computer linked to a plurality of remote computers and a database. The database includes a plurality of tests that may be ordered by a test administrator, and qualifications for the test administrator. Depending on the administrator's qualifications, he may be blocked from ordering certain tests. The central computer provides an administrator workspace allowing the administrator to view tests available through the system. After ordering tests, the administrator workspace allows the test administrator to distribute the

tests to test takers.

B. Sonnenfeld

1. Sonnenfeld does not disclose all claim limitations.

Sonnenfeld discloses a computer network based testing system and a method for designing, administering, and taking tests through a computer network. (See col. 1, lines 5-8). The system allows test designers to build/create tests and deliver the tests to test takers.

The device disclosed in Sonnenfeld does not disclose all of the limitations of applicant's claim 1, as amended or as originally filed. For example, with respect to applicant's amended claim 1, Sonnenfeld does not disclose a system "wherein the test administrator's ability to order the at least one of the plurality of tests is dependent upon the qualification data of the test administrator", the qualification data of the test administrator being "distinct from a username and password." Instead, Sonnenfeld only discloses an ID and password that identifies each test designer account when logging on to the system (see col17, lines 25-39). Because the Sonnenfeld reference does not disclose all elements of applicant's invention as claimed in claim 1, it is respectfully submitted that the examiner's rejection of claim 1 should be withdrawn.

2. The examiner's rejection under 35 USC § 102(b) is improper

In the February 25, 2005 Office action, the examiner rejected claim 1 of the present application as anticipated by Sonnenfeld under 35 USC § 102(b). The Sonnenfeld application was filed October 21, 1997, and issued on August 29, 2000. The present application was filed January 14, 2004 and claims priority from a parent application filed January 10, 2001, which claims priority from a provisional application

filed January 11, 2000. Accordingly, Sonnenfeld does not qualify as prior art under 35 USC § 102(b), and the examiner's rejection of claim 1 should be withdrawn.

III. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including new claims 2-20, is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,



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